

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff

v.

EL SONADOR CAFÉ RESTAURANT, INC.
d/b/a THE BEST MEXICAN FOOD a/k/a
EL SONADOR CAFÉ RESTAURANT
and JOSE A. BERNAL,

Defendants.

MEMORANDUM & ORDER

14-CV-7074 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff, J&J Sports Productions, commenced the above-captioned action on December 4, 2014, against Defendants, El Sonador Café Restaurant, Inc. doing business as the Best Mexican Food, also known as El Sonador Café Restaurant and its officer, director, shareholder and/or principal, Jose A. Bernal, pursuant to the Federal Communications Acts of 1934, as amended, 47 U.S.C. §§ 553, 605, alleging that Defendants illegally intercepted a closed-circuit telecast of a Welterweight Fight Program and exhibited it without authorization. (Docket Entry No. 1.) Although properly served with copies of the summons and Complaint, (Docket Entry Nos. 4, 5), Defendants failed to appear or otherwise defend against this action. On February 12, 2015, Plaintiff requested a Certificate of Default and on, February 13, 2015, the Clerk of Court noted Defendants' default. (Docket Entry Nos. 6, 7.) Plaintiff moved for a default judgment on February 20, 2014. (Docket Entry No. 8.) On the same day, the Court referred the motion for a default judgement to Magistrate Judge Ramon E. Reyes for a report and recommendation. (Order dated February 20, 2015.)

By Report & Recommendation (“R&R”) dated March 26, 2015, Judge Reyes recommended that the Court grant Plaintiff’s motion for a default judgment against Defendants as to liability, and that the Court award Plaintiff a total of \$18,385.00 in damages, comprised of: (1) \$4496.25 in actual damages; (2) \$13,488.75 in enhanced damages; and (3) \$400.00 in costs. (R&R 6.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. N. Y. State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cnty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Reyes’ R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Plaintiff’s motion

for default judgment is granted. The Clerk of Court is directed to enter judgment in favor of Plaintiff against Defendants El Sonador Café Restaurant, Inc., doing business as The Best Mexican Food, also known as El Sonador Café Restaurant and Jose A. Bernal in the amount of \$18,385.00.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: April 27, 2015
Brooklyn, New York